

REMARKS

Reconsideration and withdrawal of the objections and rejections of the presently pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

With respect to the request that Applicants confirm the provisional election made on September 29, 2010, Applicants have amended formerly independent claims 35 and 103 so that they now depend on claim 9. Applicants respectfully submit that since claims 35 - 44 and 103 - 106 now depend directly or indirectly on claim 9, the restriction requirement is moot and should be withdrawn.

With respect to the objection to claim 11 which recited, in pertinent part “in accordance with at least one IEEE 802.11 standard.”, Applicants respectfully submit that the language “at least one” modifies the phrase “IEEE 802.11 standard” such that one of ordinary skill in the art would realize that any one or more of presently existing or future IEEE 802.11 standards are being referenced. Applicants submit that it would be unduly narrowing to specify a specific IEEE 802.11 standard and that this is a question of claim breadth, not a question of sufficient specificity. Applicants therefore respectfully submit that the present claim language provides sufficient specificity for purposes of 35 U.S.C. §112. The informalities relating to the “adapted to” and “capable of” language have been addressed.

Turning to the rejection of the claims under 35 U.S.C. §103, Applicants respectfully request careful reconsideration of the claim language and the cited references, particularly the ‘752 published application to Adachi et al. There is a

fundamental difference between Applicants' claimed invention and the teaching of Adachi '752. In claim 9 and all claims dependent thereon, one access point is restrained in response to a different access point receiving a signal. In Adachi '752, specifically paragraph [0102], the access point which receives the signal is the same access point which is restrained. This is a clear and fundamental difference between Applicants' claimed invention and the teaching of Adachi '752 which serves as the basis for the rejection of all pending independent claims. Therefore, the teaching of Adachi '752 does not render Applicants' claimed invention obvious whether considered alone or in combination with the other cited references.

CONCLUSION

Applicants respectfully submits that all pending claims are in condition for allowance. If the Examiner has any questions or comments which may expedite the prosecution of this application, he is respectfully requested to contact Applicants' attorney at the telephone number set forth below.

Respectfully submitted,

JOSE, BOBBY et al.

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Enclosures: Petition for Extension of Time
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